

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SERGIO TORRES,
Petitioner,
v.
ACTING WARDEN,
Respondent.

Case No. 1:20-cv-01001-JLT-CDB (HC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
THE FIRST AMENDED PETITION FOR
WRIT OF HABEAS CORPUS WITH
PREJUDICE**

(Doc. 36)

On October 12, 2022, the assigned magistrate judge issued findings and recommendations to dismiss the first amended petition as untimely. The Court served the findings and recommendations on Petitioner and gave him 30 days to file objections thereto. Petitioner's deadline for filing objections if any was November 11, 2022. The findings and recommendations advised Petitioner that "failure to follow this order may result in a recommendation for dismissal of the petition pursuant to Federal Rule of Procedure 41(b)."

On November 18, 2022 (*i.e.*, one week after objections were due to be filed), Petitioner filed his "Objections to Findings and Recommendations." (Doc. 37). Failure to file objections within the specified time waives all objections to the magistrate judge's findings. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998). Even considering Petitioner's belatedly filed objections here, Petitioner fails to explain why he did not file a timely petition within the one-year

1 limitation period under 28 U.S.C. 2244(d)(1).

2 According to 28 U.S.C. § 636(b)(1)(C), this Court has conducted a *de novo* review of this
3 case. Having carefully reviewed the entire file, the Court concludes the findings and
4 recommendations are supported by the record and by proper analysis. Based upon the foregoing,
5 the Court ORDERS:

6 1. The findings and recommendations issued on October 12, 2022 (Doc. 36) are

7 **ADOPTED IN FULL.**

8 2. The First Amended Petition for Habeas Corpus (Doc. 34) is **DISMISSED.**

9 3. The Clerk of Court be directed to close this case.

10
11 IT IS SO ORDERED.

12 Dated: **December 13, 2022**


UNITED STATES DISTRICT JUDGE